

## DEATH IN PORTOLA AUTO RACE

### PLAY ENDS IN INJURY

PORTO RICAN YOUTH, WHILE SKYLARKING, RUNS BLINDLY INTO MOVING CAR.

Aintonee Sanchez, Porto Rican youth while playing tag with a fellow countryman in Moiliili at 7:30 this morning, ran into an electric car coming toward town, trying to get away from his companion.

He fell over the car's fender and banged his head against the front of the car, being knocked unconscious. There were many well-known citizens on the car, coming to business from Kaimuki and there was no want of first aid to the injured. An auto was hailed and very obligingly took the bruised boy to the Queen's hospital.

The car was just slackening speed to cross the end of the quarry spur track. Mr. Davis of the Rapid Transit office accompanied the lad to the hospital, he happening to be a passenger on the car.

Sol Meheula of the police department was also a passenger. C. A. Bishaw was motorman and H. M. Lee conductor.

The injured young man has been working in the quarry in Moiliili. A woman appeared on the scene, much distraught, as he was being taken away.

At the hospital it is reported that he is doing fairly, though it is not certain that he will recover from the injury inflicted on his skull.

### BIG CRANE HELPS JOB

RAPID PROGRESS ON HILO BREAKWATER—REMARKABLE FEAT OF STORM WAVES.

Superintendent Charles K. Spencer of the Matson Navigation Company's wharf returned this morning in the S. S. Mauna Kea from several days' well earned vacation on the island of Hawaii, having taken in the interesting town of Hilo, the active volcano of Kilauea and the rapidly progressing breakwater in Hilo bay.

Mr. Spencer returns with numerous fine photographs of the breakwater, showing the method of work and progress made.

Foreman Dave Hurst, says Spencer, is pushing operations as quickly as is consistent with effective work. The new seventy-five-ton crane is performing wonders and one of the photos shows this machine shifting a seventeen-ton piece of rock, swinging it forty-two feet in the air.

Of late the work has progressed more speedily than heretofore, though bad weather of late meant that five hundred feet of the track along the break was washed away. The heavy waters performed the remarkable feat of lifting an iron skip weighing 2600 pounds, containing six and a half tons of rock, a height of four and a half feet to the top of the breakwater. When the waves washed away the track, not a stone of the breakwater was moved, an indication of how well the work is being performed.

Spencer reports the volcano a spectacle that seems to increase in magnificence, one that never grows stale. There is always something wonderfully new and strange about it. The lake of fire is now within about 100 feet of the rim.

Progress is being made on the automobile road to the pit and soon tourists will be able to make the trip to the edge of Hawaii's Hades in machines.

### MORE GAMBLERS ARE RELEASED

The third bunch of Chinese alleged gamblers was let loose from police court this morning, there not being sufficient evidence on which to hold them.

Eight Chinese, charged with gambling, were allowed to go. The previous case involved a dozen or more Chinese and the case preceding that included a score of Orientals unsuccessfully accused of gambling. They are either becoming more cute and careful or arrests are less thoroughly planned.

**FOR WHOOPING COUGH.**  
Give Chamberlain's Cough Remedy. It will keep the cough loose, expectoration easy and render the fits of coughing less frequent and less severe. For sale by all dealers, Benson Smith & Co., agents for Hawaii.

Have your typewriter, cash registers and adding machines repaired by the Office Supply Co. They have a complete repair department for this work.

**NEW RICE MILL.**  
The K. Yamamoto Rice Mill is the largest as well as the finest in the islands. All the machinery is of the very latest pattern. The famous Tengu Rice is cleaned at this mill. With the large cleaning capacity they side particular work which they guarantee to handle considerable outside.

**THREE DAYS OF SPECIALS.**  
Immense savings on special items at Sachs' Dry Goods Co. for Monday, Tuesday and Wednesday. The goods are priced far below the regular cost. This furnishes an opportunity for alert buyers.

**NEW RICE MILL.**  
The K. Yamamoto Rice Mill is the largest as well as the finest in the islands. All the machinery is of the very latest pattern. The famous Tengu Rice is cleaned at this mill. With the large cleaning capacity they are able to handle considerable outside

### AUTO RATE IN DOUBT

POLICE MAY GET LEGAL OPINION ON AUTOMOBILE CHARGES NOW MADE.

The question is raised by the police whether automobiles licensed under rack regulations have the right to charge any more than the prices allowed for hacks.

There are numerous automobiles whose proprietors make a point of charging only hack rates, or thereabouts, but there are as numerous others which, while licensed under the hack regulations are run on a basis of prices far in excess of hack rates.

The matter has been brought to the attention of the police authorities in whose hands are atters pertaining to the regulation of hacks and the question will probably be referred to the office of the City and County Attorney for an opinion.

### COERPER DROPS BOLTE CHARGE

When police court opened this morning Prosecutor A. M. Brown was in receipt of a communication from Special Attorney E. C. Peters, who had been specially retained as private prosecutor, to the effect that he, Peters, would not appear to prosecute the charge of adultery against C. Bolte preferred by Jacob Coerper.

Since the City and County Prosecutor knew absolutely nothing of the case and there was no public charge, the private prosecution being withdrawn, there was nothing to do, but strike the case from the calendar, which was ordered done.

### MIRACULOUS DRAFT OF FISHES

It may not be generally known that His Honor, Mayor Fern, is a fisherman as well as a maker of pol, a giver of luau and a diplomat.

He is the philanthropist who not long ago financed some half dozen Hawaiian fishermen for the formation of a fishing company which operates two large Hawaiian canoes, a whaleboat and many fathoms of good net.

Yesterday, off Waianae, the Fern fishing outfit took in three hundred large fish which reached the city market this morning in time for the Saturday trade.

### WHY MILLIGAN WAS NOT SHOT

An important constitutional point was raised by A. S. Humphreys in the Federal court this morning upon a question in itself not of great moment. It was in the case of Wing Ping, indicted for a breach of the Edmunds Act. Mr. Humphreys filed a plea in bar on the principle of once in jeopardy, as the defendant had been tried in the Honolulu District Court for the same offense but committed against Territorial law. Assistant District Attorney Rawlins moved to strike the plea from the record because counsel for defendant had not served the paper on the prosecution, or furnished it with a copy.

Mr. Humphreys cited the principles enunciated by the giants of American jurisprudence, naming among others Chief Justice Marshall and Chief Justice Waite, to the effect that the humblest citizen has equal rights with the government or the people in mass. Mr. Rawlins had refused to furnish him with a copy of the indictment, hence he had refused to furnish the attorney for the government with a copy of the plea in bar.

One case quoted by Mr. Humphreys was that of Milligan, sentenced to death by sedition by a court martial in Indiana, but released under habeas corpus carried to the United States Supreme Court—Chief Justice Waite delivering the opinion—on the ground

### JUDGMENT VACATED

In the case of Estate of M. V. Holmes vs. Fujitani, the Supreme Court has rendered a per curiam decision. It was averred in the complaint that an account was stated by and between the parties about February 28, 1906, whereby it was found that the defendant was indebted to the plaintiff in the sum of \$220.69 as balance due for goods sold and delivered.

Defendant pleaded the general issue and denied that an accounting was held February 28, 1906, or at any other time, and alleged that the claim was incorrect and unjust as all lawful offsets, payments and credits had not been allowed, and left the plaintiff to his proof of any indebtedness, demanding an itemized statement, etc. District Magistrate Hall gave judgment for plaintiff and defendant appealed on the law points.

It is found that the plaintiff's case does not come within the meaning of the statute of an action founded upon an open account. "An action upon an account stated or for goods sold and delivered," the court says, "not accompanied by a bill of particulars or a statement of the account, is not an action upon an open account. Estate of M. V. Holmes is not the name of a person nor does it appear from the record to be that of a corporation. The defect should be cured before further proceedings. Judgment vacated, case remanded."

W. W. Thayer for plaintiff, M. T. Furtado for defendant.

The matter of the estate of Antonio J. Lopez, on a reserved question from Circuit Judge Robinson, was this day placed on the Supreme Court calendar, also the case of Ching Tam Shee, executor, versus Oriental Life Insurance Co., et al., on appeal from the circuit judge first circuit.

The case of Nettie L. Scott v. Territory is set for hearing on Monday.

### EXAMINATIONS OF TEACHERS

Superintendent Babbitt, being asked about the examination of teachers which was attacked at a meeting of the Territorial Teachers' Association last night, said:

"It is for principals of schools of more than two hundred held under the regulations of the department. At the meeting of the Board of Commissioners in July I was instructed to send out notices to them. I was not present at the meeting."

Mr. Babbitt handed the reporter a copy of the printed regulations, pointing out this one:

"Hereafter all persons appointed as principals of elementary schools with an enrollment of two hundred or more must have a grammar grade certificate or its equivalent."

### ALL RUSSIANS ADMITTED

Inspector-in-Chief Raymond C. Brown of the U. S. Immigration Station this morning announced that the 211 Russian immigrants, brought here by A. Perelstous and A. L. C. Atkinson per S. S. Siberia, had by this morning passed the most thorough examination, except for the one anarchist in jail who will be deported by the next boat, and that the most searching investigation failed to discover any irregularity in the method of bringing these agricultural families to Hawaii. The S. S. Mauna Kea, at noon, and the S. S. Ke Au Hou, at 3 p. m., today took the majority of the newcomers away for plantation homes on the islands of Hawaii, Maui and Kauai.

A special meeting of the Board of Supervisors called by Mayor Fern by request to consider the Kahana beach road contract, for 12 o'clock noon today, failed to do business for lack of a quorum. It adjourned until next Thursday noon, for which time a payroll meeting had been set.

that a court martial could not condemn a man in a time of peace.

Judge Woodruff, in view of the important bearing of the point raised, too it under advisement, promising a ruling next Saturday morning.

### MACHINE AMUCK AMONG OAKLAND SPORTING CROWD

(Associated Press Cable to The Star.)

SAN FRANCISCO, October 23.—Three hundred thousand spectators this morning viewed the world's championship automobile races on the football boulevard in Oakland, over a course which covered three hundred miles.

During the races, which endured for several hours of this morning and afternoon, there occurred an accident in which a machine got beyond control and ran into the crowd, one person being killed outright and another being fatally injured.

Tennis finals in Golden Gate Park and finals of the golf tournament at the San Francisco Golf Club also occurred this morning, as did also an exciting game of soccer between an All-British Columbia team and a team representing All-California.

This afternoon at the Stadium, this city, the Barbarians and the Olympic Rugby team played a game which drew a great gathering; there was a band concert in Union Square, as has been the case every day of the Portola celebration, and a regatta of small boats on the bay was held, the waterfront being lined with thousands of people.

The City will be illuminated for the last time tonight, today ending the Portola festivities, and there will be a historical and carnival parade which starts at Van Ness avenue and Hayes street, to be followed by a masquerade and fireworks in Union Square, also tightrope walking at Third and Market streets, and a night ascension of Portola by balloon; and the illumination of the warships in the bay.

#### ADMIRAL ERBEN DEAD.

NEW YORK, October 23.—Rear Admiral Henry Erben, retired, of this State, died in this city today.

#### NEW WARSHIP'S RECORD.

ROCKLAND, Maine, October 23.—U. S. S. Delaware, one of the latest United States men-of-war designed as an improvement on the famous British Dreadnought type, today made 21.98 knots in a trial run. She is propelled by engines of thirty-thousand horse-power.

#### CLOSING COTTON MILLS.

HALEIGH, North Carolina, October 23.—The closing of cotton mills has been ordered with the idea of curtailing the production.

#### RUSSIA IS INDEPENDENT.

ST. PETERSBURG, October 23.—The Government denies it has received a combined note from the Powers in regard to the rival claims of Russia and Japan, as well as the claims of the government of China for sovereignty with reference to the Manchurian situation.

#### ROYAL CHIEFS MEET.

RACCONIGI, Italy, October 23.—Czar Nicholas of Russia and the King have met here, a royal reception involving gorgeous exhibition and impressive ceremony marking the significant event, their Majesties exchanging greetings before a great concourse.

#### IMAGE OF VIRGIN ROBBED OF GEMS.

CZENSTOCHOWA, Poland, October 23.—The image of the Virgin, in the Pauline Convent here, has been mysteriously despoiled of its magnificent robe and the precious jewels with which it was adorned. The gems which made up the decoration of the sacred image are valued at several millions of roubles.

#### RACER SALVATOR DEAD.

LEXINGTON, Kentucky, October 23.—Salvator, the famous racer, is dead.

#### LATEST SHIPPING.

Salina Cruz—Sailed Oct. 22, S. S. Alaskan, for San Francisco.  
San Francisco—Arrived Oct. 22, S. S. Enterprise, from Hilo.  
San Francisco—Sailed Oct. 22, sch. J. H. Bruce, for Mahukona.  
Nagasaki—Sailed Oct. 21, U. S. A. T. Logan, for Honolulu.  
Hilo—Sailed, Oct. 21, Sch. Borealis, for Grays Harbor.

#### LOOKING FOR LEADER.

R. H. Trent, George R. Carter and J. P. Cooke had their first conference as a committee today on the subject of a leader for the coming floral parade. They are looking for an active man and, at the same time, one having had experience, if possible.

## SAVE Doctor's Bill

Where do you have your shoes repaired? Did you ever stop to think that there is a difference in the price of leather that goes into the repair of shoes.

We cannot afford to jeopardize our reputation by using inferior materials. We pay a higher price for our sole leather than any other repair place in town and we have two of the best workmen to put that good material in the proper place in the proper way.

Rainy weather is coming, so just look up those shoes with the thin and worn outsoles and bring them in to us to be fixed up.

**MANUFACTURERS' SHOE CO., LIMITED**

1651 FORT STREET  
TELEPHONE 232.

**Talks on Wills**  
No. 5.  
**Drawin g The WILL**  
The main point in drawing a Will is to SECURE CLEARNESS OF EXPRESSION.  
Then consider the many contingencies that must be provided for. Drawing a will requires constructive law of the highest quality, particularly if there are trust provisions.  
Have your Will drawn free by the best legal talent by naming as Executor the

**Hawaiian Trust Co., Ltd**  
923 Fort Street.

**ROYAL BAKING POWDER**  
Absolutely Pure  
The only baking powder made with Royal Grape Cream of Tartar  
No Alum, No Lime Phosphate